



## **Town of Moultonborough Planning Board**

### **Notice of Decision**

### **Subdivision Permit Approval**

### **Douglas and Jo Anne Knee/Tax Map 27, Lots 3 & 5**

October 28, 2009

**Applicant:** Douglas and Jo Anne Knee  
381 Sheridan Road  
Moultonborough, NH 03254

**Location:** 381 Sheridan Road (Tax Map 27, Lots 3 & 5)

On October 14, 2009 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Douglas and Jo Anne Knee (hereinafter referred to as the “Applicant” and/or “Owner”) to allow re-subdivision of the existing two (2) parcels into three (3) parcels, creating two (2) new buildable lots in the Agricultural Residential (AR) Zoning District.

The public hearing was continued to October 28, 2009. The public hearing was closed on October 28, 2009. At the regularly scheduled Planning Board meeting on October 28, 2009, the Board voted by a vote of seven (7) in favor (Ryerson, Coppinger, Jensen, Nelson, Fairchild, Charest, Taussig), none (0) opposed, to **GRANT** their request for a Subdivision Permit subject to the following conditions:

#### **1. Conformance with Plan**

Work shall conform with the plans entitled, “Prepared Subdivision Prepared for Douglas and Jo Knee, Tax Map 27, Lots 3 and 5, Moultonborough, NH” (2 sheets) prepared by Associated Surveyors, 125 NH Route 25, Unit #2, Meredith, NH, dated August 10, 2009, and revised October 20, 2009, to be amended to remove the ROW and indicate access and utility easements instead.

#### **2. Amendments**

Any modification to the original approved plans created by Associated Surveyors titled “Prepared Subdivision Prepared for Douglas and Jo Knee, Tax Map 27, Lots 3 and 5, Moultonborough, NH” and dated October 20, 2009, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

**3. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved site plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be referenced on the plans, and said plans shall be recorded at Carroll County Registry of Deeds within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

**4. Subdivision Regulations**

The Site shall be constructed in accordance with the requirements of the Subdivision Regulations and any other applicable rules and regulations as affected by this decision.

**5. Transfer of Ownership**

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

**6. Progress Reports**

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

**7. Construction Practices**

All construction shall be carried out in accordance with Town of Moultonborough ordinances and the Subdivision Regulations, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

**8. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

**9. Fire Department**

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

**10. Office of the Building Inspector**

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

**11. Utilities**

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

**12. Lighting**

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Site Plan Regulations.

**13. E-911 Numbering**

The lots shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of Certificates of Occupancy for the lots.

**14. Town Driveway Permit Required**

The applicant shall obtain a Town Driveway Permit, if necessary, for the shared driveway serving the two (2) proposed dwelling units for the site, prior to issuance of a building permit for either new site.

**15. State Subdivision Approval Required**

The applicant shall obtain State Subdivision Approval prior to the issuance of a Building Permit for the site.

**16. Conditional Use Permit Required**

Any construction occurring within the limits of the 50-foot wetlands setback shall require a Conditional Use Permit by the Planning Board, prior to construction occurring.

**17. Testimony and Representation at Public Meetings**

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

**18. Right to Amend Decision**

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Subdivision Regulations, Section 4.14, and RSA 676:4.

**19. Violations**

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

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Judith A. Ryerson  
Chairman, Planning Board

Date \_\_\_\_\_